



Daniel C. Garfinkel 412 562 1837 daniel.garfinkel@bipc.com Union Trust Building 501 Grant Street, Suite 200 Pittsburgh, PA 15219-4413 T 412 562 8800 F 412 562 1041

January 12, 2023

VIA UPS OVERNIGHT MAIL

Office of the Clerk United States District Court For the Southern District of West Virginia Robert C. Byrd United States Courthouse 300 Virginia Street, East, Suite 2400 Charleston, WV 25301

> Re: Xcoal Energy & Resources v. Bluestone Energy Sales Corp., Southern Coal Corp., and James C. Justice, II

Dear Sir/Madam:

Enclosed please find a Certified Amended Mandate and the United States Court of Appeals for the Third Circuit Court Clerk's Certification of the Judgment, which we request that you register as a Foreign Judgment under 28 U.S.C. § 1963, along with the appropriate filing fee.

Kindly return confirmation of filing in the enclosed, self-addressed, postage prepaid envelope.

Should you have any questions or need anything further, please feel free to contact me.

Very truly yours,

Daniel C. Garfinkel

Enc.



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January 13, 2023

VIA UPS OVERNIGHT MAIL

Office of the Clerk United States District Court For the Southern District of West Virginia Robert C. Byrd United States Courthouse 300 Virginia Street, East, Suite 2400 Charleston, WV 25301

> Re: Xcoal Energy & Resources v. Bluestone Energy Sales Corp., Southern Coal Corp., and James C. Justice, II

> > 2:23-mc-00018

Dear Sir/Madam:

Enclosed please find a certified copy of a final Judgment issued by the United States Court of Appeals for the Third Circuit Court on September 27, 2022, in the amount of \$88,866.24 in favor of Xcoal Energy & Resources ("Xcoal"), and against Bluestone Energy Sales Corporation, Southern Coal Corporation, and James C. Justice, II ("Judgment Debtors"). Xcoal respectfully requests that the enclosed foreign judgment be registered in this judicial district pursuant to 28 U.S.C. § 1963. Included in this mailing, please find the appropriate fee for the registration of a foreign judgment.

Kindly return confirmation of filing in the enclosed, self-addressed, postage prepaid envelop.

Should you have any questions or need anything further, please feel free to contact me.

Very truly yours,

Daniel C. Garfinkel



UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 21-2926

XCOAL ENERGY & RESOURCES

٧.

BLUESTONE ENERGY SALES CORPORATION; SOUTHERN COAL CORPORATION; JAMES C. JUSTICE, II, Appellants

> On Appeal from the United States District Court for the District of Delaware (District Court Civil No. 1-18-cv-00819) District Judge: Honorable Leonard P. Stark

Submitted Under Third Circuit L.A.R. 34.1(a) July 15, 2022

BEFORE: GREENAWAY, JR., MATEY, and NYGAARD, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the District of Delaware and was submitted pursuant to Third Circuit L.A.R. 34.1(a) on July 15, 2022.

On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the order of the said District Court entered on September 28, 2021, be and the same is hereby AFFIRMED.

Costs taxed against appellants.

All of the above in accordance with the Opinion of this Court.

ATTEST:

<u>s/Patricia S. Dodszuweit</u> Clerk

DATED: July 21, 2022

Certified as a rue copy and issued in lieu of a formal mandate on August 25, 2022

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Clerk, U.S. Court of Appeals for the Third Circuit

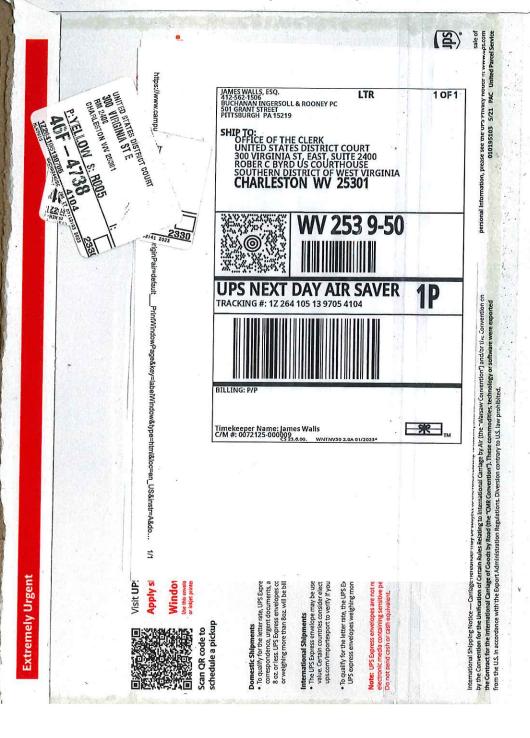
Pursuant to the Court's order entered on September 27, 2022 additional costs taxed as follows: Attorneys fees are awarded in favor of Appellee Xcoal Energy & Resources in the amount of \$88,866.24.

(Amended Mandate)

Certified as a true capy and issued in lieu of a formal mandate on September 27, 2022

Teste: Ontien A Diduyuwe. t

Clerk, U.S. Court of Appeals for the Third Circuit



Express

Extremely Urgent

